

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HERMANN BUSS KG MS "ELBE TRADER"  
GMBH & CO.,

Plaintiff,

- against -

T.S. LINES LTD.,

Defendant.

08-CV-5309 (GBD)

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, LILI F. BENEDA, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Michael J. Nicaud  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

Michael J. Nicaud is a member in good standing of the Supreme Court of Louisiana. There are no pending disciplinary proceedings against Michael J. Nicaud in any State or Federal Court.

Dated: June 17, 2008  
New York, New York

Respectfully submitted,

CONDON & FORSYTH LLP

By: Lili F. Beneda  
Lili F. Beneda (LB 1879)  
7 Times Square, 18<sup>th</sup> Floor  
New York, New York 10036  
Telephone: (212) 894-6778  
Facsimile: (212) 597-6721

Attorneys for Plaintiff  
HERMANN BUSS KG MS  
"ELBE TRADER" GMBH & CO.

cc: (Via Mail, E-mail & Facsimile)

Jason Waguespack, Esq.  
Michael J. Nicaud, Esq.  
Galloway, Johnson, Tompkins, Burr & Smith  
One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
New Orleans, Louisiana 70139  
Attorneys for Plaintiff,  
*HERMANN BUSS*  
*KG MS "ELBE TRADER" GMBH & CO.*  
Tel: 504-525-6802  
Fax: 504-525-2456  
E-mail: [jwaguespack@gjtbs.com](mailto:jwaguespack@gjtbs.com) & [mnicaud@gjtbs.com](mailto:mnicaud@gjtbs.com)

cc: (Via Mail)

T.S. Lines Ltd.  
Room 1111, 11/F  
Cosco Tower  
Grand Millennium Plaza  
183 Queen's Road  
Central, Hong Kong

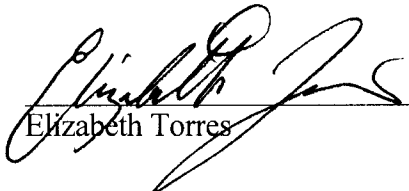
**AFFIDAVIT OF SERVICE BY MAIL, E-MAIL AND FACSIMILE**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NEW YORK    )

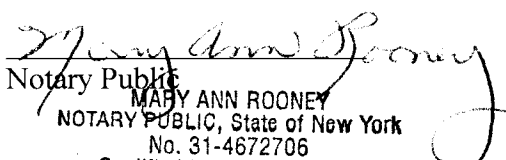
Elizabeth Torres, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Hopewell Junction, New York. That on the 17<sup>th</sup> day of June, 2008 deponent served the within **MOTION TO ADMIT MICHAEL J. NICAUD PRO HAC VICE** upon:

Jason Waguespack, Esq.  
Michael J. Nicaud, Esq.  
Galloway, Johnson, Tompkins, Burr & Smith  
One Shell Square  
701 Poydras Street, 40<sup>th</sup> Fl.  
New Orleans, Louisiana 70139  
Attorneys for Plaintiff  
*HERMANN BUSS*  
*KG MS "ELBE TRADER" GMBH & CO.*  
Tel: 504-525-6802  
Fax: 504-525-2456  
E-mail: jwaguespack@gjtbs.com &  
mnicaud@gjtbs.com

at the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York; as well as transmitting the papers via facsimile/e-mail to the facsimile/e-mail above.

  
Elizabeth Torres

Sworn to before me this  
17<sup>th</sup> day of June, 2008

  
Notary Public  
MARY ANN ROONEY  
NOTARY PUBLIC, State of New York  
No. 31-4672706  
Qualified in Queens County  
Commission Expires May 31, 2010

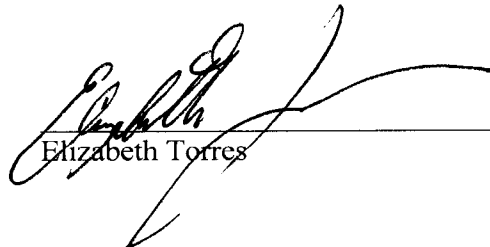
**AFFIDAVIT OF SERVICE VIA REGULAR MAIL**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NEW YORK    )

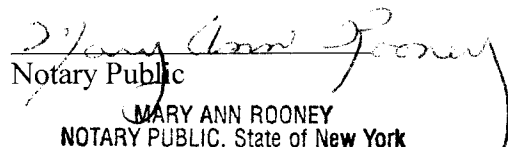
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Room 1111, 11/F  
Cosco Tower  
Grand Millennium Plaza  
183 Queen's Road  
Central, Hong Kong

at the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
Elizabeth Torres

Sworn to before me this  
17<sup>th</sup> day of June, 2008

  
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MARY ANN ROONEY  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERMANN BUSS KG MS "ELBE TRADER"  
GMBH & CO.,

Plaintiff,

- against -

T.S. LINES LTD.,

Defendant.  
-----X

08-CV-5309 (GBD)

**AFFIDAVIT OF LILI F. BENEDA  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**


State of New York           §  
  §  
County of New York       §

LILI F. BENEDA, being duly sworn, deposes and says as follows:

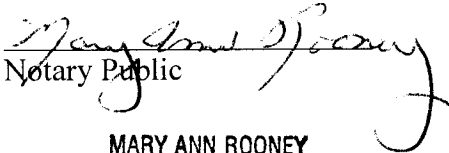
1. I am an associate with Condon & Forsyth LLP, counsel for Plaintiff Hermann Buss KG MS "ELBE TRADER" GmbH & Co. ("Hermann Buss") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff Hermann Buss' motion to admit Michael J. Nicaud as counsel *pro hac vice* to represent Plaintiff Hermann Buss in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in 2005. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Michael J. Nicaud since approximately 2001.
4. Mr. Nicaud is an associate at Galloway, Johnson, Tompkins, Burr & Smith.
5. I have found Mr. Nicaud to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Attached hereto as Exhibit A is a Certificate from the Louisiana Supreme Court which has been issued within thirty days of this motion, and which states that Michael J. Nicaud is a member in good standing of the Louisiana State Bar.

7. Accordingly, I am pleased to move the admission of Michael J. Nicaud, *pro hac vice*.
8. I respectfully submit a proposed order granting the admission of Michael J. Nicaud, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Michael J. Nicaud, *proc hac vice*, to represent Hermann Buss in the above captioned matter, be granted.

  
\_\_\_\_\_  
Lili F. Beneda

Subscribed and sworn to before me  
this 17<sup>th</sup> day of June, 2008.

  
Notary Public

MARY ANN ROONEY  
NOTARY PUBLIC, State of New York  
No. 31-4672706  
Qualified in Queens County  
Commission Expires May 31, 2010

## **EXHIBIT “A”**

United States of America

State of Louisiana

**Supreme Court of the State of Louisiana**

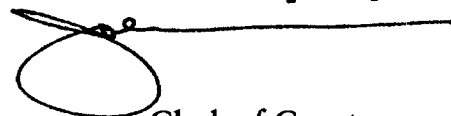
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I, JOHN TARLTON OLIVIER, Clerk of the Supreme Court of the State of Louisiana, do hereby certify that

**MICHAEL J. NICAUD, JR., ESQ., #29365**

was duly admitted and licensed to practice as an attorney and counselor at law in this Court and the several courts of the State of Louisiana, on the 15th Day of October, 2004 A.D.; and is currently in good standing, and sufficiently qualified to perform the duties of an attorney and counselor at law.

IN WITNESS WHEREOF, I hereunto sign  
my name and affix the seal of this Court,  
at the City of New Orleans, this the 21st  
Day of May, 2008, A.D.

A handwritten signature in black ink, appearing to read "John Tarlton Olivier", with a large circular flourish at the end.

Clerk of Court  
Supreme Court of Louisiana



## **EXHIBIT “B”**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HERMANN BUSS KG MS "ELBE TRADER"  
GMBH

Plaintiff,

- against -

T.S. LINES LTD.

Defendant.  
-----X

08-CV-5309 (GBD)

**ORDER FOR ADMISSION PRO  
HAC VICE ON WRITTEN  
MOTION**

Upon the motion of LILI F. BENEDA, attorney for Plaintiff Hermann Buss KG MS "ELBE TRADER" GmbH & Co. ("Hermann Buss"), and said sponsor attorney's affidavit in support:

**IT IS HEREBY ORDERED** that

Applicant's Name: Michael J. Nicaud  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40th Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

is admitted to practice *pro hac vice* as counsel for Plaintiff Hermann Buss in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel has forwarded the *pro hac vice* fee to the Clerk of the Court.

Dated: June \_\_\_, 2008  
New York, New York

\_\_\_\_\_  
Hon. George B. Daniels  
United States District Judge

**AFFIDAVIT OF SERVICE BY MAIL, E-MAIL AND FACSIMILE**

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COUNTY OF NEW YORK    )

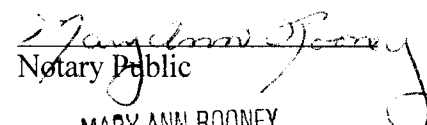
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Michael J. Nicaud, Esq.  
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Attorneys for Plaintiff  
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Tel: 504-525-6802  
Fax: 504-525-2456  
E-mail: jwaguespack@gjtbs.com &  
mnicaud@gjtbs.com

at the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York; as well as transmitting the papers via facsimile/e-mail to the facsimile/e-mail above.

  
Elizabeth Torres

Sworn to before me this  
17<sup>th</sup> day of June, 2008

  
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Commission Expires May 31, 2010

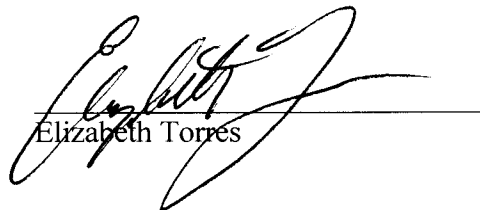
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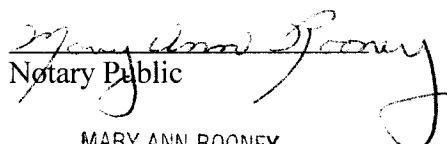
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Michael J. Nicaud, Esq.  
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Attorneys for Plaintiff  
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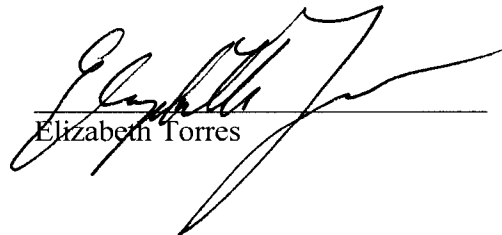
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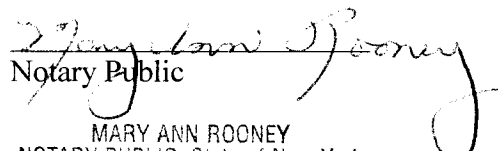
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